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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF ARIZONA
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8 Josue Romero,
9 Plaintiff,
10 v.
11 Henke Machine, et al.,
12 Defendants.
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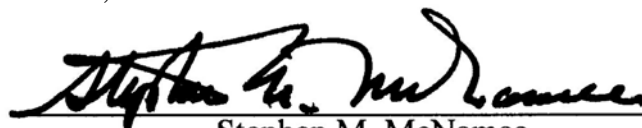
CIV-04-1489-PHX-SMM

ORDER

14 Before the Court is Defendant Fernando Ruiz, Inc.'s "Request to Accept Defendant's
15 Statement of Facts (Dkt. 88) in Considering Motion for Summary Judgment" (Dkt. 101). On
16 May 14, 2007, due to the condition of Plaintiff's attorney, the Court dismissed Defendant's
17 motion for summary judgment without prejudice. Defendant has now re-filed its motion for
18 summary judgment (Dkt. 100) and requests that the Court accept the Statement of Facts,
19 including exhibits, filed on January 19, 2007 at Docket No. 88, in its consideration of the re-filed
20 motion for summary judgment. Good cause appearing,

21 **IT IS HEREBY ORDERED** granting Defendant's Request to Accept Defendant's
22 Statement of Facts in Considering Motion for Summary Judgment (Dkt. 101). Defendant's
23 previously-submitted statement of facts (Dkt. 88) shall be considered in deciding Defendant's
24 motion for summary judgment as if re-submitted therewith.

25 DATED this 8th day of November, 2007.

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28 Stephen M. McNamee
United States District Judge